THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.22214 of 2006

27.10.2006

Between:
Smt.Andal Raghavan, W/o.Dr.Ramjee

… Petitioner

AND

The Deputy Commissioner, Endowments Department, Kakinada

… Respondent

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.22214 of 2006

ORDER:

The petitioner is allegedly a member of Founder's family, who constructed Sri Bala Venkateswara Swamy Temple, Tallamudunurupadu Village of Tadepalligudem Mandal in West Godavari District. Aggrieved by the notice bearing Rc.No.B5/18976/2006, dated 10.10.2006 issued by the respondent herein, the petitioner filed the instant writ petition. By impugned notice, respondent invited applications from qualified persons for being appointed as members of Board of Trustees of the said temple. The applicants were asked to submit application within fifteen (15) days.

Learned Counsel for the petitioner placed strong reliance on Rule 4 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Appointment of Trustees Rules, 1987 (the Rules, for brevity) and Form-I appended therein in respect of the contention that as per the Rules, the respondent is required to give minimum twenty (20) days time from the date of notice for making applications and any notice in contravention thereof is unsustainable. Reliance is also placed on an unreported judgment of this Court in **Dr.Arvind Kumar Ganeriwal v The Deputy Commissioner of Endowments, Hyderabad**[1]. This is not denied by the learned Assistant Government Pleader for Endowments. I n **Dr.Arvind Kumar Ganeriwal** (supra), this Court held as under.

However, Rule 4 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Appointment of

Trustees Rules, 1987 (for short, the Rules), issued vide G.O.Ms.No.258, Revenue (Endowments-I) dated 31.03.1988 made under sub-section (3) of Section 17 of the Act provides that the competent authority shall cause publication of the notice inviting applications for appointment of Board of Trustees, in 'Form I', appended to the Rules. A perusal of 'Form I' appended to the Rules, shows that the applications shall be invited from the interested persons in the prescribed *pro-forma* within 20 days from the date of the said notice. Thus, it is clear that it is necessary to grant 20 days time for submission of the applications for trusteeship. Since, admittedly, in the impugned notice only 15 days time was granted, the same being not in conformity with the Rule 4(1) of the Rules, is unsustainable and liable to be set aside on that ground alone.

Following the above judgment, this writ petition is accordingly allowed. The impugned notice is set aside. It shall however be open to the respondent to issue notice strictly in accordance with Form-I and take further action in accordance with law. There shall be no order as to costs.

October 27, 2006. (**V.V.S.RAO, J**)

NOTE:
Issue order copy by
30.10.2006.
(By order)
YS

[1] W.P.No.7070 of 2005, dated 04.1.2006